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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2010 JUL -7 P 2:41

CLERK US DISTRICT COURT
DISTRICT OF NEVADA

BY _____ DEPUTY

RIGHTHAVEN LLC, a Nevada limited liability company,)

Plaintiff,)

DOMAINS BY PROXY, INC., an Arizona corporation; CRIMENEWS2000, an entity of unknown origin and nature; and LAURENE STEWART, an individual,)

Defendants.)

Case No.: 2:10-cv-0864
MOTION FOR DISMISSAL

Laurene Stewart, Defendant herein, moves for her dismissal from this action on grounds that she is not associated with either Domains By Proxy or CrimeNews2000 and was not involved in any manner in the actions that form the basis for the First Amended Complaint. In support of this motion, the Court is respectfully referred to the Affidavit in Support of Motion for Dismissal, attached herewith.

Dated this 2nd day of July, 2010.



Laurene Stewart, Defendant

Case 2:10-cv-00864

Laurene Stewart's Motion for Dismissal

2

PROOF OF SERVICE

I, Laurene Stewart, certify that I served this document on Steven A. Gibson, Attorney for Plaintiff, by first class mail on July 6, 2010.

A handwritten signature in cursive script, reading "Laurene Stewart", is written over a horizontal line.

Laurene Stewart, Defendant

1542 S. Brooks Rd.

Muskegon, MI 49442

(231) 788-2828

stewarjh@comcast.net

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RIGHTHAVEN LLC, a Nevada limited liability company,)	Case No.: 2:10-cv-0864
)	AFFIDAVIT IN SUPPORT OF
)	MOTION FOR DISMISSAL
)	
Plaintiff,)	
)	
)	
DOMAINS BY PROXY, INC., an Arizona corporation; CRIMENEWS2000, an entity of unknown origin and nature; and)	
LAURENE STEWART, an individual,)	
)	
Defendants.)	
_____)	

Now comes Laurene Stewart, Defendant herein, and in support of her Motion for Dismissal says as follows:

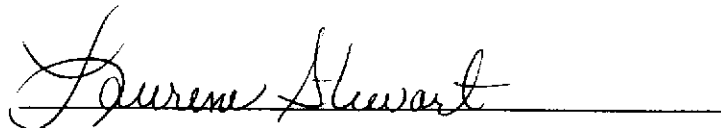
1. I registered the Crimenews2000 domain (www.crimenews2000.com) on February 7, 2000. The CrimeNews2000 website went on line a few weeks later, and I continued to own and operate it until January 13, 2009.
2. On January 12, 2009, with sale of CrimeNews2000 pending, I closed my Google and other advertising accounts for the site, refunded a recent contributor to the site, and notified website forum members of the pending sale. Attached hereto are copies of two documents relating to the account closures.
3. On January 13, 2009, I received payment and sold the website to M.W. (Bill) Miller. On the same date, I initiated a domain name transfer request with my domain name registrar, Register.com, to transfer ownership of crimenews2000.com to Mr. Miller. Copies of screens documenting the transfer request are attached.

4. On or about January 15, 2009, I received an email from godaddy.com indicating that they had been requested to become the name registrar for crimenews2000.com. They provided an authorization code to enter to complete the transaction, and I forwarded that information to Mr. Miller. A copy of that email is attached.
5. On January 16, 2009, I received an email from Register.com which stated that Register.com had been notified of a request to transfer crimenews2000.com to another domain name registrar. That email stated that the transfer would take place automatically unless cancelled by me contacting Register.com before January 19, 2009. I did nothing to cancel that transfer. A copy of that notice is attached.
6. Also on or about January 13, 2009, I received a request from OLM, the company that had hosted crimenews2000.com, to permit transfer of the files to another host. I authorized that transfer.
7. After January 13, 2009, I had no continued involvement in the ownership or operation of CrimeNews2000. I made no payments on behalf of CrimeNews2000, derived nothing from any revenue the site may have generated, and had no account with either godaddy.com or the new web hosting company, and therefore, no ability to affect either the domain registration or content of the site.
8. Within a few days after the sale, I received a few questions from Mr. Miller regarding technical issues, but then had no further contact with him prior to the existence of this lawsuit.
9. On June 9, 2010, I received an email from Mr. Miller indicating that he suddenly found me listed as the registrant, administrative and technical contact for crimenews2000.com, and that godaddy.com would only say that the domain was the subject of a Nevada court case. A copy of that email is attached hereto.
10. On June 17, 2010, I was served with the summons and complaint in this matter.

11. Checking domain registration information for crimenews2000.com now reveals my name, address, phone number and email address, all of which had been hidden from public view when I owned the site. Later emails from Mr. Miller indicate that he is trying to correct the domain information, but that godaddy.com has the domain record locked because of this lawsuit.
12. I acted in good faith in my attempt to transfer ownership of crimenews2000.com to Mr. Miller.
13. I had no involvement in the alleged copyright infringement which gives rise to the Complaint in this matter.
14. My Michigan attorney, who is not licensed to practice in Nevada, notified Plaintiff's attorneys by email that I was mistakenly sued. A copy of that email is attached hereto.

Affiant says nothing more.

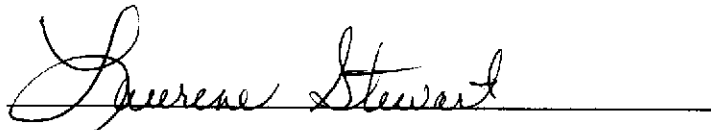
Dated this 5th day of July, 2010.

A handwritten signature in cursive script, reading "Laurene Stewart", written over a horizontal line.

Laurene Stewart, Defendant

PROOF OF SERVICE

I, Laurene Stewart, certify that I served this document on Steven A. Gibson, Attorney for Plaintiff, by first class mail on July 6, 2010.

A handwritten signature in cursive script, reading "Laurene Stewart", written over a horizontal line.

Laurene Stewart, Defendant

1542 S. Brooks Rd.

Muskegon, MI 49442

(231) 788-2828

stewarjh@comcast.net

amazon


United States

[Account Settings](#) | [Help](#) | [Feedback](#) | [Select Locale:](#)

- [Home](#) | [Links & Banners](#) | [Widgets](#) | [Store Reports](#) | [Developer Tools](#)

Signed in as[sign out](#)**crimen-20****Tracking ID**[manage](#)

crimen-20

Get Started Now[Get Started Now](#) **Stay Connected**

- [Discussion Boards](#)
- [Associates Blog](#)

Customer Support

- [Help](#)
- [Performance Tips](#)
- [Glossary](#)
- [Operating Agreement](#)

Special Programs

- [Developer Tools](#)
- [Vendors & Publishers](#)

Contact Associates Customer Service

Please fill out the form below. Click the Send E-mail button when done.

Your Name:

Primary E-mail Address: Please enter the e-mail address associated with your Amazon.com Associates account. If you can no longer access that address, please include an alternate e-mail address with your comments.

Subject:

Associate ID:

(recommended) crimen-20

Website URL:

(recommended) <http://www.crimenews2000.com>

Payee Name: Laurene M. Stewart

(optional) This is the name used to set up the account.

I am selling this website domain and
wish to cancel/close my Amazon
Associate Account at this time.

Laurene Stewart
01/12/09

Comments:

[Send e-mail](#)**What do you think?**

Do you have a suggestion or comment about Associates Central website? Let us know.

[Conditions of Use](#) | [Privacy Notice](#) © 1996-2008, Amazon.com, Inc.

register
com**MY ACCOUNT****My Services**

Delegated Services
Contact
Information
Assigned Users
My Wallet
SafeRenew
My Password
My Secret Question

TRANSFER OF REGISTRANT**crimenews2000.com**

Complete the form below to transfer this domain name to another entity.

When you have completed the Transfer of Registrant process, Register.com will send an email to the address you provide, prompting this contact to accept and become the Registrant of this domain name.

You will remain the official Registrant of this domain name until this contact accepts the transfer.

GET HELP

Changing your DNS
POP3 Settings
Tours, Tips &
Tutorials
FAQ's
Contact Us
The First Step
Guide

First Name**Last Name****Email****Message**
(optional)**FIND A NEW
DOMAIN**

Enter a domain name
here:

Cancel

Continue

ADD SERVICES

Email
Do It Myself
Website
Build-It-For-Me
Search Engine
Marketing
Hosting
Private Registration
Business Solutions
Partner Offers

register
com**MY ACCOUNT****CONFIRM TRANSFER OF REGISTRANT****crimenews2000.com**

My Services
Delegated Services
Contact
Information
Assigned Users
My Wallet
SafeRenew
My Password
My Secret Question

Please click **Continue** to confirm that you intend to transfer this domain name to the contact listed below, or correct any errors by clicking **Edit**.

First Name: Martin
Last Name: Miller
Email: billmiller2@winco.net
Message: Transfer crimenews2000.com to Martin W. Miller billmiller2@winco.net\

GET HELP

Changing your DNS
POP3 Settings
Tours, Tips &
Tutorials
FAQ's
Contact Us
The First Step
Guide

**FIND A NEW
DOMAIN**[Edit](#)

Enter a domain name
here:

[Cancel](#)[Continue](#)**ADD SERVICES**

Email
Do It Myself
Website
Build-It-For-Me
Search Engine
Marketing
Hosting
Private Registration
Business Solutions
Partner Offers

register
com



MY ACCOUNT

CONFIRM TRANSFER OF REGISTRANT

crimenews2000.com

My Services
Delegated Services
Contact
Information
Assigned Users
My Wallet
SafeRenew
My Password
My Secret Question

An email has been sent to **billmiller2@winco.net**.

GET HELP

[Continue](#)

Changing your DNS
POP3 Settings
Tours, Tips &
Tutorials
FAQ's
Contact Us
The First Step
Guide

**FIND A NEW
DOMAIN**

Enter a domain name
here:

ADD SERVICES

Email
Do It Myself
Website
Build-It-For-Me
Search Engine
Marketing
Hosting
Private Registration
Business Solutions
Partner Offers

SmartZone Communications Center

stewarjh@comcast.net

+ Font size -

Re: Fwd: Transfer of CRIMENEWS2000.COM**From :** M. W. (Bill) Miller <billmiller2@winco.net>

Thu Jan 15 2009 11:46:41 PM

Subject : Re: Fwd: Transfer of CRIMENEWS2000.COM**To :** stewarjh@comcast.net

Laurene,

This is the one I need!

There are dozens of registrars, and each has their own procedures. I once bought five domains from someone who had them at five different registrars, one of whom charged more and was much harder to deal with than yours.

I have been getting an error when trying to post news on the site that tells me my login data is wrong. Did you use the same information for the forums for the news posting software, or did I miss an email someplace?

Thanks.

Bill

stewarjh@comcast.net wrote:

> Good grief Bill, I think that YOU need this email not me. I clicked
> on the link below, and can't proceed further (to enter the coding)
> because at that point I have to log into GoDaddy and of course I am
> not a member there.
>
> I feel, like we need a third partner.....'Curly' you know?
> The 'three stooges'
>
> If this is still a problem tomorrow, I will have my husband do some
> calling around.
>
> Sorry about all of the problems. :-(
>
> Laurene
>
> ----- Forwarded Message -----
> From: transfers@godaddy.com
> To: stewarjh@comcast.net
> Sent: Thursday, January 15, 2009 8:11:49 PM GMT -05:00 US/Canada Eastern
> Subject: Transfer of CRIMENEWS2000.COM
>
> =====
> DOMAIN NAME TRANSFER - Initial Authorization for Registrar Transfer
> =====
>
> Re: Transfer of CRIMENEWS2000.COM
>
>
> Dear Laurene Stewart,
>
> GoDaddy.com, Inc. received a request on 1/15/2009 for us to become the
> new registrar of record.
>
> You have received this message because you are listed as the
> Registered Name Holder or Administrative contact for this domain name
> in the WHOIS database. If you are not the Account Holder, or you are
> transferring the domain to a new owner, please forward this email to
> the appropriate Account Holder so that they may complete the transfer
> process.
>

> //////////////////////////////////////
> IMPORTANT: If the steps below are not completed, the domain name(s)
> listed above will NOT be transferred to us.
> //////////////////////////////////////
>
> ~~~~~
> To proceed with the transfer, follow the instructions here:
>
> http://help.godaddy.com/topic/160/article/1592?prog_id=GoDaddy&isc=gdbb2
>
> In the process of authorizing this transfer, you will be prompted to
> provide the Transaction ID and Security Code:
>
> Transaction ID: 58039620
> Security Code: QLDP13603
> ~~~~~
>
> Once a transfer takes place, you will not be able to transfer to
> another registrar for 60 days, apart from a transfer back to the
> original registrar, in cases where both registrars so agree or where a
> decision in the dispute resolution process so directs.
>
> If you DO NOT WANT the transfer to proceed, then please don't respond
> to this message.
>
> If you have any questions about this process, contact us by email at
> support@godaddy.com, or by phone at (480) 505-8877.
>
> Regards,
> GoDaddy.com, Inc.
>
> -----
> Copyright 2009 GoDaddy.com, Inc. All rights reserved.

SmartZone Communications Center Collaboration Suite

stewartjh@comcast.net

DOMAIN NAME TRANSFER

Friday, January 16, 2009 12:41:03 AM

From: support@register.com
To: stewartjh@comcast.net

register

Dear Laurene Stewart,

Register.com received notification on 1/16/2009 that you have requested a transfer of crimenews2000.com to another domain name registrar.

We are saddened to see you go and would like to offer you an exciting offer to remain a Register.com customer. Renew for only \$15.95 when you use Invitation Code: **RENEW77** today. Doing so will provide you with peace of mind that your domain name is safe with a company that offers free live phone support 24/7 and is here to help you build your business online.

If you still wish to proceed with this transfer, you do not need to respond to this message. To cancel the transfer please contact us before 1/19/2009 by replying to this email or by calling 1.877.731.4442. To take advantage of the \$15.95 offer, click below to log-in to your account and select your domain you wish to renew. <http://www.register.com/myaccount/products/monopoly.html>

If we do not hear from you by 1/19/2009, your domain name transfer will proceed.

Thank you for choosing Register.com.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sandy Ross". The signature is written in a cursive, flowing style.

Sandy Ross

Sr. Vice President, Customer Service

For 24/7/365 customer service, call toll-free in the U.S. & Canada: 1.877.731.4442.
Outside the U.S. & Canada call: +1 902.749.5919.

Subject to the terms and conditions of our Services Agreement, located [here](#). Any and all
domain name renewal promotions are valid for .com, .net, .org, .biz, .info and .us only.

© 2008 Register.com, Inc. | 575 Eighth Avenue | New York, NY 10018 | All rights reserved

SmartZone Communications Center

stewarjh@comcast.net

+ Font size -

Fwd: Re: Fwd: Transfer of CRIMENEWS2000.COM

From : M. W. (Bill) Miller <billmiller2@winco.net>

Wed Jun 9 2010 5:34:47 PM

Subject : Fwd: Re: Fwd: Transfer of CRIMENEWS2000.COM

To : stewarjh@comcast.net

Laurene,

I suddenly find myself in a domain dispute over the crimenews2000.com name. I suddenly find your contact information posted as the registrant, administrative, and technical contacts. So far all I have gotten out of godaddy.com is that the domain is the subject of a court case in Nevada.

Any idea what is going on?

Bill

----- Original Message -----

Subject: Re: Fwd: Transfer of CRIMENEWS2000.COM

Date: Thu, 15 Jan 2009 22:46:41 -0600

From: M. W. (Bill) Miller <billmiller2@winco.net>

To: stewarjh@comcast.net

Laurene,

This is the one I need!

There are dozens of registrars, and each has their own procedures. I once bought five domains from someone who had them at five different registrars, one of whom charged more and was much harder to deal with than yours.

I have been getting an error when trying to post news on the site that tells me my login data is wrong. Did you use the same information for the forums for the news posting software, or did I miss an email someplace?

Thanks.

Bill

stewarjh@comcast.net wrote:

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> because at that point I have to log into GoDaddy and of course I am
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>
> I feel, like we need a third partner.....'Curly' you know?
> The 'three stooges'
>
> If this is still a problem tomorrow, I will have my husband do some
> calling around.
>
> Sorry about all of the problems. :-(
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> Laurene
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> ----- Forwarded Message -----
> From: transfers@godaddy.com
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> Sent: Thursday, January 15, 2009 8:11:49 PM GMT -05:00 US/Canada Eastern
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> process.
>
> //////////////////////////////////////
> IMPORTANT: If the steps below are not completed, the domain name(s)
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>
> ~~~~~
> To proceed with the transfer, follow the instructions here:
>
> http://help.godaddy.com/topic/160/article/1592?prog_id=GoDaddy&isc=gdbb2
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> In the process of authorizing this transfer, you will be prompted to
> provide the Transaction ID and Security Code:
>
> Transaction ID: 58039620
> Security Code: QLDP13603
> ~~~~~
>
> Once a transfer takes place, you will not be able to transfer to
> another registrar for 60 days, apart from a transfer back to the
> original registrar, in cases where both registrars so agree or where a
> decision in the dispute resolution process so directs.
>
> If you DO NOT WANT the transfer to proceed, then please don't respond
> to this message.
>
> If you have any questions about this process, contact us by email at
> support@godaddy.com, or by phone at (480) 505-8877.
>
> Regards,
> GoDaddy.com, Inc.
>
> -----
> Copyright 2009 GoDaddy.com, Inc. All rights reserved.

SmartZone Communications Center

stewarjh@comcast.net

+ Font size -

FW: Righthaven v Domains by Proxy, Case No. 2:10cv0864.**From :** James Moskal <JMoskal@wnj.com>

Fri Jul 2 2010 9:50:00 AM

Subject : FW: Righthaven v Domains by Proxy, Case No. 2:10cv0864.

4 attachments

To : Steven Gibson (sgibson@righthaven.com) <sgibson@righthaven.com>, J. Charles Coons (ccoons@righthaven.com) <ccoons@righthaven.com>

Counsel, below is a message I sent to your colleague Mr. Chu. I am forwarding the message to you because your names are also on the pleadings, and because I have not received so much as an acknowledgement back from Mr. Chu. My client has been wrongly sued, and I'd appreciate a response and an extension of the time to file responsive pleading until you can assess the matter. Thanks.

From: Moskal, James**Sent:** Monday, June 28, 2010 3:42 PM**To:** Joseph Chu (jchu@righthaven.com)**Subject:** Righthaven v Domains by Proxy, Case No. 2:10cv0864.

Joe, we are counsel to Laurene Stewart over here in Michigan. You have named Ms. Stewart as a defendant in the above copyright suit in the District of Nevada.

I believe there has been a misunderstanding in naming Ms. Stewart, although I am sure an honest one. Ms. Stewart sold the subject web site a year before the infringing work was published, and she had nothing to do with whatever happened in that regard. Apparently, her name still shows up as a registrar contract person (which is where I assume your firm got her name), but that is only because of an administrative failure to acknowledge the sale and her request that the site be registered in the buyer's name. Attached are some documents verifying this, including confirming correspondence with the buyer named Miller.

Upon your review of the attachments, please contact me and let me know if Ms. Stewart can be dismissed. I do not think that this need to turn into an adversarial situation. Thanks.

James Moskal

Warner Norcross & Judd LLP
900 Fifth Third Building
111 Lyon Street NW
Grand Rapids, MI 49503-2487

Direct 616.752.2164
Fax 616.222.2164
Email jmoskal@wnj.com

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730 KB

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400 KB